

To: Simon, Paul[Simon.Paul@epa.gov]
Cc: Crisafulli, Scott w (DEC)[scott.crisafulli@dec.ny.gov]
From: Berkman, Thomas S (DEC)
Sent: Sat 1/16/2016 3:11:32 AM
Subject: Re: NPL listing

Thanks Paul. That would appear to provide good precedence. Was the case reported? If so, do you have a cite.

Have a great long weekend, I am sure after the trip to Hoosick you are looking forward to it.

Sent from my iPhone

> On Jan 15, 2016, at 2:32 PM, Simon, Paul <Simon.Paul@epa.gov> wrote:

>

> Good seeing you guys today. Re your question of other sites that have been listed on the NPL based on a "pollutant or contaminant," we're looking into it, but one site we've learned of already is a site named Apache Powder Co. in Arizona. I'm told that the site was listed in 1991 based on a pollutant and contaminant. The site listing was challenged in court and the court upheld the NPL listing in 1992.

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> Sent from my iPhone